

From: <SargentsPigeon@aol.com>
To: <MXB6@nrc.gov>
Date: 11/23/05 10:57AM
Subject: Re: USEC DEIS and 106 Comments

Matthew Blevins
Senior Project Manager
Division of Waste Management and
Environmental Protection
U.S. Nuclear Regulatory Commission

Mr. Blevins,

I will be sending you my full comments on the DEIS and in regard to my status as consulting party on the Section 106 review on Monday, November 28, following the Thanksgiving holiday. These comments will be forwarded directly to the Advisory Council.

The communication I received from you today, the day before Thanksgiving, is the first communication I have received from you seeking my input as a consulting party on the 106 review. As you know, I first asked to be a consulting party in my comments on the scoping process in January of 2005 and in our face-to-face conversation that followed the scoping hearing in Piketon. However, you did not name me a consulting party, did not send me any of the consulting party correspondence, and did not notify me that the consultation process was underway, despite my requests. In fact, you stopped replying to my e-mails in February of 2005, without explanation. In the summer of 2005, I requested from NRC General Counsel and from the NRC Federal Preservation Officer the name of the official at NRC in charge of the 106 review, and it took weeks and many phone calls before I was even informed that you were the official in charge.

On September 29, at the public hearing on the DEIS, I asked you for the status of my request to be a consulting party, and in my oral comments I pointed out at some length the deficiencies in the NRC effort to identify consulting parties and obtain actual consultation. Among these deficiencies was the fact that no NRC staff had visited the threatened sites in question, nor had any of your staff requested site visits. I told you then that site visits are a mandatory part of assessment and I invited you to visit the Barnes Home and the other nearby threatened sites. No such effort has been made on the part of NRC.

No "package" for the ACHP can be completed until such site visits have been conducted, in real consultation with affected parties including myself.

At the Sept. 29 hearing you informed me that I had been made a consulting party some weeks earlier, and that I had been notified by a letter that you included with a copy of the DEIS. You know that you mailed me three different copies of the DEIS under separate cover. This now appears to have been an intentional deception in hopes that I would not inspect the contents of each package. If so, it worked. Your last-minute designation of me as a consulting party was in fact a secret one. You could have easily told me by e-mail of the decision, as you have communicated every other time (that I know). But you sent no e-mail, apparently for the express purpose of running the clock.

At this hearing you also engaged me in a conversation in which you attempted to impress me that you had "driven by" my house to look at it from the road. It boggles my mind that the federal official in charge of conducting an impact assessment of a historic property would think that he can accomplish this in a drive-by manner, without even informing the property owner, who supposedly has been identified as a consulting party.

Since you have not come to Sargents to assess the actual situation here at the threatened sites, and since you have not engaged in any real consultation with affected parties, you cannot know what the actual situation is here on the ground. Section 106 provides for taking account of new discoveries that are made during the process of review. It also requires that the agency fund studies of potential impacts on new cultural resources that are identified.

Discoveries related to the impacted historic properties in Sargents are ongoing, and NRC-funded studies of these resources are required. We here in Sargents are ready to show you these impacted properties, and we invite you to come. Among the properties about which you have no clue -- because you haven't come and you have not sought our consultation -- are the actual kill-site of the Sargents Pigeon (recently identified), the old Sargents graveyard, and the Sargents Train Station. It may interest you to know that we have had these, and other properties, assessed by an expert architectural historian. We just await the slightest expression of intent to begin the consultation process on your part.

In addition, it will be necessary to inform all of the other consulting parties of these developments. We note that some of their "sign off" letters were expressly conditional on no further information coming to light.

Will this require a substantial alteration of your plan to "wrap up" the Section 106 review? Yes.

Your attempt to now close the door on the day before Thanksgiving cannot succeed. You have real legal responsibilities under NHPA. Those responsibilities include real consultation, and real consultation means that you actually look at the affected properties, communicate with consulting parties in an open non-deceptive way, and actually fund studies where necessary. All of that is just beginning.

So that we can now get consultation off the ground, I require answers to a few questions, many of which I have asked before with no reply:

1. Please inform me of the full history of communication between NRC and DOE with regard to the centrifuge project's NHPA compliance. Is there any agreement between the agencies for joining the 106 responsibilities of the two agencies? If so, was documentation of this agreement filed with the SHPO and ACHP? If not, what does NRC know about DOE's 106 review? Please provide me with copies of all correspondence between NRC and DOE with regard to NHPA compliance for the centrifuge project.

2. For the purposes of NRC's 106 review, when does NRC consider that "major federal action" in regard to ACP was initiated? Whatever the answer to this question, please provide the justification for it. Specifically, why is the Gas Centrifuge Enrichment Plant program at Piketon not considered as a precursor to ACP and, hence, the initiation of the federal action now ongoing?

Relatedly, has NRC obtained from DOE the documentation of DOE's 106 review for the GCEP program? If not, why not (since it was a virtually identical program)? If so, please forward that documentation to me.

3. As a consulting party and as previously stated, I hereby object to the NRC decision to fold its Section 106 review into the NEPA EIS process. I do not believe that this was done legally or properly. This is a classic case of need for an independent Section 106 review that can proceed even after the EIS process has been concluded, in part to take account of ongoing discoveries. How does NRC intend to handle this objection?

Thank you for attention to these matters. Enjoy the holiday.

Sincerely,

Geoffrey Sea
The Barnes Home
1832 Wakefield Mound Road
Sargents, OH 45661

Tel: 740-289-2473

E-mail: _SargentsPigeon@aol.com (<mailto:SargentsPigeon@aol.com>)

CC: <TFKing106@aol.com>

Mail Envelope Properties (43849140.CEB : 22 : 23787)

Subject: Re: USEC DEIS and 106 Comments
Creation Date: 11/23/05 10:56AM
From: <SargentsPigeon@aol.com>

Created By: SargentsPigeon@aol.com

Recipients

nrc.gov

twf4_po.TWFN_DO

MXB6 (Matthew Blevins)

aol.com

TFKing106 CC

Post Office

twf4_po.TWFN_DO

Route

nrc.gov

aol.com

Files

MESSAGE

TEXT.htm

Mime.822

Size

7180

10738

20083

Date & Time

11/23/05 10:56AM

Options

Expiration Date:

None

Priority:

Standard

Reply Requested:

No

Return Notification:

None

Concealed Subject:

No

Security:

Standard